

AMENDED IN SENATE MAY 16, 2006

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1524

Introduced by Senators Speier and Poochigian
(Principal coauthor: Senator Scott)
(Coauthor: Assembly Member Goldberg)

February 23, 2006

An act to add Section 354.45 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1524, as amended, Speier. Limitation of actions: Armenian Genocide victims.

Existing law authorizes any Armenian Genocide victim, as defined, or an heir or beneficiary of that victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923 from a specified insurer to bring a legal action to recover on that claim in a court of this state, as specified, and provides that any such action shall not be dismissed for failure to comply with the applicable statute of limitations, if the action is filed on or before December 31, 2010.

Existing law also authorizes any owner, or heir or beneficiary of the owner, of Holocaust-era artwork, as defined, to bring an action in superior court to recover that artwork from any museum or gallery, and provides that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, if the action is commenced on or before December 31, 2010.

This bill would enact similar provisions applicable to any Armenian Genocide victim, as defined, or an heir or beneficiary of that victim, who resides in this state and has a claim arising out of a failure of a bank, as defined, to pay or turn over deposited assets, or to turn over looted assets, and would provide that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, if the action is commenced on or before December 31, 2016.

This bill would make the operation of its provisions contingent upon the enactment of SB 1765.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) During the period from 1915 to 1923, many persons of
4 Armenian ancestry residing in the historic Armenian homeland
5 then situated in the Ottoman Empire were victims of massacre,
6 torture, starvation, death marches, and exile. This period is
7 known as the Armenian Genocide.
8 (b) Thousands of Armenian Genocide survivors and the heirs
9 of Armenian Genocide victims are residents or citizens of the
10 State of California. These people have, too often, been deprived
11 of their entitlement to bank deposits and assets held by banks and
12 financial institutions that did business in the Ottoman Empire.
13 California has an overwhelming public policy interest in ensuring
14 that its residents and citizens who are claiming entitlement to
15 bank deposits and assets that remain unreturned to Armenian
16 Genocide victims are treated reasonably and fairly, and that those
17 legal obligations are honored.
18 (c) It is the specific intent of the Legislature to ensure that
19 Armenian Genocide victims and their heirs be permitted to have
20 an expeditious, inexpensive, and fair forum in which to resolve
21 their claims for bank deposits and assets by allowing actions to
22 be brought in California irrespective of any contrary forum
23 selection provision contained in the banking agreements. It is the
24 finding of the Legislature that enforcement of forum selection
25 provisions in those agreements would work an undue,

1 unreasonable, and unjust hardship on Armenian Genocide
2 victims and their heirs who are residents of California, and that
3 those provisions are against public policy and are hereby made
4 unenforceable with respect to the claims as to which this act
5 applies.

6 (d) To the extent that the statute of limitations regarding
7 contractual or tort claims arising from the failure to return bank
8 deposits and assets is extended by this act, that extension of the
9 limitations period is intended to be applied retroactively,
10 irrespective of whether the claims were otherwise barred by any
11 applicable statute of limitations under any other provision of law
12 prior to the enactment of this act.

13 SEC. 2. Section 354.45 is added to the Code of Civil
14 Procedure, to read:

15 354.45. (a) For purposes of this section, the following terms
16 have the following meanings:

17 (1) “Armenian Genocide victim” means any person of
18 Armenian or other ancestry living in the Ottoman Empire during
19 the period of 1890 to 1923, inclusive, who died, was injured in
20 person or property, was deported, or escaped to avoid persecution
21 during that period.

22 (2) “Bank” means any banking or financial institution,
23 including any institution that issued bonds, that conducted
24 business in Ottoman Turkey at any time during the period of
25 1890 to 1923, inclusive.

26 (3) “Deposited assets” means any and all cash, securities,
27 bonds, gold, jewels or jewelry, or any other tangible or intangible
28 items of personal property, or any documents indicating
29 ownership or possessory interests in real, personal, or intangible
30 property, that were deposited with and held by a bank.

31 (4) “Looted assets” means any and all personal, commercial,
32 real, and intangible property, including cash, securities, gold,
33 jewelry, businesses, artwork, equipment, and intellectual
34 property, that was taken from the ownership or control of an
35 individual, organization, or entity, by theft, forced transfer, or
36 exploitation, during the period of 1890 to 1923, inclusive, by any
37 person, organization, or entity acting on behalf of, or in
38 furtherance of the acts of, the Turkish Government, that were
39 received by and deposited with a bank.

(b) Notwithstanding any other law, any Armenian Genocide victim, or heir or beneficiary of an Armenian Genocide victim, who resides in this state and has a claim arising out of a failure of a bank to pay or turn over deposited assets, or to turn over looted assets, may bring an action or may continue a pending action, to recover on that claim in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.

(c) Any action, including any pending action brought by an Armenian Genocide victim, or the heir or beneficiary of an Armenian Genocide victim, who resides in this state, seeking payment for, or the return of, deposited assets, or the return of looted assets, shall not be dismissed for failure to comply with the applicable statute of limitation, if the action is filed on or before December 31, 2016.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. This act shall become operative only if Senate Bill 1765 of the 2005–06 Regular Session is enacted and becomes effective on or before January 1, 2007.